

UNITED STATES DISTRICT COURT  
Northern District of California  
San Francisco Division

DAREN HEATHERLY, et al.,

No. C 13-03081 LB

Plaintiffs,

v.

**ORDER DISCHARGING ORDER TO  
SHOW CAUSE RE: FAILURE TO  
PROSECUTE**

BUFFALO EXCHANGE LTD., et al.,

Defendants.

On July 3, 2013, Plaintiffs filed a complaint against Defendants Buffalo Exchange Ltd. and Roberta Lince for violations of the Americans with Disabilities Act. Complaint, ECF No. 1. Defendants were served, and they answered the complaint on August 22, 2013. Answer, ECF No. 7. Pursuant to the Scheduling Order issued on July 3, 2013, October 16, 2013 was the last day for the parties to hold a joint inspection of the subject premises. ADR Scheduling Order, ECF No. 2. The court did not know if this happened. 42 days after the joint inspection, the parties were to file a Notice of Need for Mediation. *Id.* As of December 17, 2013, they had not done so.

Accordingly, on December 18, 2013, the court ordered Plaintiffs to show cause why this action should not be dismissed for failure to prosecute it. Order to Show Cause, ECF No. 10. Later that day, Plaintiffs filed a Notice of Need for Mediation, in which they stated that the parties conducted a site inspection and were discussing settlement. Notice of Need for Mediation, ECF No. 11. In light of Plaintiffs' Notice, the court discharges its order to show cause. The parties are directed to comply with the deadlines set forth in the ADR Scheduling Order. If they want to adjust those deadlines, they must ask the court for permission to do so.

**IT IS SO ORDERED.**

Dated: December 18, 2013



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LAUREL BEELER  
United States Magistrate Judge

**UNITED STATES DISTRICT COURT**  
**For the Northern District of California**

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